

110TH CONGRESS
2D SESSION

S. 3441

To provide certain requirements for the siting, construction, expansion, and operation of liquefied natural gas import terminals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2008

Ms. SNOWE (for herself and Mrs. FEINSTEIN) introduced the following bill;
which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide certain requirements for the siting, construction, expansion, and operation of liquefied natural gas import terminals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Liquefied Natural Gas
5 Import Terminal Authorization Act”.

1 **SEC. 2. AUTHORIZATION FOR LIQUEFIED NATURAL GAS IM-**
 2 **PORT TERMINALS.**

3 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
 4 is amended by striking subsection (e) and inserting the
 5 following:

6 “(e) AUTHORIZATION FOR NATURAL GAS IMPORT
 7 TERMINALS.—

8 “(1) IN GENERAL.—A person shall not site,
 9 construct, expand, or operate a liquefied natural gas
 10 import terminal within the boundaries of a State un-
 11 less—

12 “(A) the person submits an application to
 13 site, expand, or operate a liquefied natural gas
 14 import terminal to—

15 “(i) the Commission; and

16 “(ii) the State agency that has siting
 17 authority under State law in the State in
 18 which the liquefied natural gas import ter-
 19 minal is located (referred to in this sub-
 20 section as the ‘designated State agency’);
 21 and

22 “(B) the Commission and the designated
 23 State agency issue an order approving the ap-
 24 plication.

25 “(2) ISSUANCE OF ORDER.—The Commission
 26 and the designated State agency shall issue an order

1 approving an application, in whole or part, that is
 2 submitted under paragraph (1)(A), unless, after op-
 3 portunity for hearing, the Commission or designated
 4 State agency determines that the proposed siting,
 5 construction, expansion, or operation is not con-
 6 sistent with the public interest.

7 “(3) TERMS AND CONDITIONS.—

8 “(A) IN GENERAL.—An order issued under
 9 paragraph (2) shall be subject to any terms and
 10 conditions that the Commission or designated
 11 State agency determines are appropriate.

12 “(B) SERVICE REQUIREMENTS.—

13 “(i) IN GENERAL.—Except as pro-
 14 vided in clause (ii), an order issued under
 15 this subsection shall not be conditioned on
 16 a requirement that the liquefied natural
 17 gas import terminal offer service to per-
 18 sons other than the applicant.

19 “(ii) EXCEPTION.—Notwithstanding
 20 clause (i), the Commission or designated
 21 State agency may require the applicant to
 22 establish a backup procedure for making
 23 the liquefied natural gas import terminal
 24 available to others if the applicant is un-
 25 willing or unable to provide a steady sup-

1 ply to the market served by the liquefied
2 natural gas import terminal.

3 “(C) CONFLICTS.—If an applicant is un-
4 able to comply with conflicting terms and condi-
5 tions established under subparagraph (A), the
6 Secretary of Energy, in cooperation with the
7 Executive Office of the President, shall mediate
8 the conflict between the Commission or des-
9 ignated State agency and the applicant through
10 a process that includes public hearings in the
11 area affected by the proposed liquefied natural
12 gas import terminal.”.

13 **SEC. 3. PREEMPTION.**

14 Section 60104 of title 49, United States Code, is
15 amended by striking subsection (c) and inserting the fol-
16 lowing:

17 “(c) PREEMPTION.—

18 “(1) IN GENERAL.—A State authority that has
19 submitted a current certification under section
20 60105(a) may adopt additional or more stringent
21 safety standards for intrastate pipeline facilities,
22 intrastate pipeline transportation, and liquefied nat-
23 ural gas pipeline facilities only if those standards are
24 compatible with the minimum standards prescribed
25 under this chapter.

1 “(2) SAFETY STANDARDS.—Except in the case
2 of liquefied natural gas pipeline facilities, a State
3 authority may not adopt or continue in force safety
4 standards for interstate pipeline facilities or inter-
5 state pipeline transportation.”.

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